

memorandum

DATE: January 16, 2003

REPLY TO: Office of Environmental Policy and Guidance: Boulos: 6-1306
ATTN OF:

SUBJECT: Proposed Clean Air Act Rule on National Emission Standards for Hazardous Air Pollutants for Industrial/Commercial/Institutional Boilers and Process Heaters, for Review and Comment

TO: Distribution

The purpose of this memorandum is to solicit comments from Department of Energy (DOE) program offices and field organizations on the Environmental Protection Agency's (EPA's) notice of proposed rulemaking, "National Emission Standards for Hazardous Air Pollutants for Industrial/Commercial/Institutional Boilers and Process Heaters." The proposed rule (67 FR 1659; January 13, 2003) is available at the Office of Environmental Policy and Guidance (EH-41) Home Page at:

<http://www.eh.doe.gov/oepa/rules/68/68fr1659.pdf>. A three-page EPA fact sheet on the proposal is available at: http://www.epa.gov/ttn/oarpg/t3/fact_sheets/icibph_fs.pdf.

In this proposed rule, the EPA is amending 40 CFR Part 63 by adding Subpart DDDDD. This Subpart establishes national emission limitations and work practice standards for hazardous air pollutants (HAP)¹ emitted from industrial, commercial, and institutional boilers and process heaters², under the authority of Section 112(d) of the Clean Air Act. This Subpart also establishes requirements to demonstrate initial and continuous compliance with the emission limitations and work practice standards.

This Subpart is applicable to a new, reconstructed, or existing affected source. The affected source is each industrial, commercial, institutional boiler or process heater that is located at, or is part of, a major source of HAP, unless it is exempted.

Exceptions to the proposed rule include:

- (i) A municipal waste combustor covered by 40 CFR Part 60, Subpart AAAA, Subpart BBBB, Subpart Eb or Subpart Cb.
- (ii) A hospital/medical/infectious waste incinerator covered by 40 CFR Part 60, Subpart Ce or Subpart Ec.

¹ The HAP emitted by facilities in the boiler and process heater source category include arsenic, cadmium, chromium, hydrogen chloride, hydrogen fluoride, lead, manganese, mercury, and nickel.

² An "industrial, commercial, or institutional boiler" is an enclosed device using controlled flame combustion and having the primary purpose of recovering thermal energy in the form of steam or hot water. Waste heat boilers are excluded. A "process heater" is an enclosed device using controlled flame with the unit's primary purpose being to transfer heat indirectly to process streams (liquids, gases, or solids) instead of generating steam.

- (iii) An electric utility steam-generating unit that is a fossil fuel-fired combustion unit of more than 25 megawatts that serves a generator that produces electricity for sale.
- (iv) A boiler or process heater required to have a permit under Section 3005 of the Solid Waste Disposal Act or covered by 40 CFR Part 63, Subpart EEE (*e.g.*, hazardous waste combustors).
- (v) A commercial and industrial solid waste incineration unit covered by 40 CFR Part 60, Subpart CCCC or Subpart DDDD.
- (vi) A recovery boiler or furnace covered by 40 CFR Part 63, Subpart MM.
- (vii) A boiler or process heater that is used specifically for research and development.
- (viii) A hot water heater as defined in this Subpart.
- (ix) A refining kettle covered by 40 CFR Part 63, Subpart X.
- (x) An ethylene-cracking furnace covered by 40 CFR Part 63, Subpart YY.

EPA is also seeking public comment on three options that could reduce the economic burden of the proposed rule. The options would focus emission control requirements on those facilities with emissions of HAP that pose the greatest health risk.

Please review this proposal and submit your comments by March 3, 2003, to Mr. Emile Boulos of my staff at: emile.boulos@eh.doe.gov; 202-586-1306. In developing comments, please indicate the specific page and section of the preamble and the proposed rule in the *Federal Register* to which each comment pertains. Also, to assist us in our regulatory tracking activities, we ask that you notify Mr. Boulos if a DOE source under your responsibility is subject to these regulations. Questions or concerns regarding this memorandum should be directed to Mr. Boulos.



Andy Lawrence
Director
Office of Environmental Policy and Guidance